

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHNNIE C. WHITE,
Plaintiff,

v.

KENNETH PAUL SMITH AND
DANIEL MARK FOZZARD.,
Defendants.

Case No. C06-5170RBL

ORDER GRANTING AN
EXTENSION OF TIME

This action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The court ordered plaintiff to show cause why this action should not be dismissed as the facts alleged appear to be intertwined with his conviction.

Plaintiff names two Tacoma City Police Officers as defendants, and alleges excessive force was used in arresting him on September 23rd, 2004. While plaintiff alleges he offered no resistance to his arrest, plaintiff was convicted of two counts of third degree assault. One count with regard to defendant Officer Smith and one count with regard to defendant Officer Fozzard. (Dkt. # 5, page 12).

Plaintiff did not file a response to the order to show cause and instead has asked that he be

1 given "the most time possible" to complete a response. The court views plaintiff's filing as a request
2 for an extension of time and grants plaintiff until. **August 11th, 2006** to have a response filed.

3 The clerk of court is directed to re-note the response to the order to show cause for **August**
4 **11th, 2006.**

5
6 DATED this 10th, day of July, 2006.

7 /s/ J. Kelley Arnold

8 J. Kelley Arnold

9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28